

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BULK CHEMICALS, INC.; ILLINOIS UNION INSURANCE COMPANY; and ACE AMERICAN INSURANCE COMPANY	:	CIVIL ACTION NO. 5:21-cv-02331-JMG
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
FIRST CALL ENVIRONMENTAL, L.L.C.,	:	
	:	
Defendant.	:	

**PLAINTIFFS’, BULK CHEMICALS, INC.; ILLINOIS UNION INSURANCE COMPANY;
AND ACE AMERICAN INSURANCE COMPANY’S MOTION SEEKING LEAVE TO
FILE A REPLY TO DEFENDANT’S RESPONSE IN OPPOSITION [ECF DOC. NO. 72]
TO PLAINTIFFS’ MOTION FOR SANCTIONS SEEKING AN ADVERSE INFERENCE
AGAINST DEFENDANT FIRST CALL ENVIRONMENTAL [ECF DOC. NO. 68]**

NOW COME Plaintiffs, Bulk Chemical, Inc.; Illinois Union Insurance Company; and ACE American Insurance Company (hereinafter “Plaintiffs”), and hereby submit their Motion Seeking Leave to File a Reply to Defendant’s Response in Opposition [ECF Doc. No. 72] to Plaintiffs’ Motion for Sanctions Seeking an Adverse Inference Against Defendant First Call Environmental [ECF Doc. No. 68] (hereinafter Defendant) as follows:

1. Plaintiffs filed a Motion for Sanctions seeking a spoliation inference against the Defendant on December 12, 2022. **[ECF Doc. No. 68]**.
2. Defendant filed a Response in Opposition to Plaintiffs Motion on December 26, 2022. **[ECF Doc. No. 72]**.
3. Defendant’s Response in Opposition makes various and new misrepresentations of fact, as well as misrepresentations about Plaintiffs’ allegations in this matter in Plaintiffs’ Complaint, and misstatements about the applicable law.

4. For these reasons, Plaintiffs request leave to submit a short Reply Brief in the form attached hereto as Exhibit “A” in order to respond to the misrepresentations and misstatements made by Defendant in its Response in Opposition.

WHEREFORE, Plaintiffs Respectfully Request that this Honorable Court issue an order granting its request for leave to file their Reply Brief to Defendants’ Response in Opposition to Plaintiffs’ Motion for Sanctions Seeking an Adverse Inference.

Dated: December 28, 2022

Respectfully Submitted,

/s/ Jarett M. Smith

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CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2022, a copy of foregoing Plaintiffs' Bulk Chemicals, Inc.; Illinois Union Insurance Company; and ACE American Insurance Company's Motion Seeking Leave to File a Reply to Defendant's Response in Opposition [ECF Doc. No. 72] to Plaintiffs' Motion for Sanctions Seeking an Adverse Inference Against Defendant First Call Environmental [ECF Doc. No. 68] was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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